

Selected issues of public procurement – tender requirements

This thesis deals with the public contracts from the perspective of an important institute – “tender requirements”. The thesis looks at the issues of tender requirements from perspective of the contracting authority in an open procedure. In the introduction (chapter I) thesis is briefly interpreted by the systematic and historical incorporation of law of public contracts.

In the second chapter of the thesis tender requirements are unloaded according to the section 17 subparagraph 1) Public Procurement Act, including the definition of the requirements of the contracting authority shall not, without complying with the terms and conditions.

The third chapter includes the interpretation of the qualifications which are the nearest institute of tender requirements. In addition to the general definition and enumeration of each qualification it is summarized the common features of both group requirements.

Whereas there is not a full list of tender requirements, some of the most important of them are enumerated in the fourth chapter.

In the fifth chapter defines the circumstances that must be satisfied that the adjudicating entity validly established tender requirements. This is not only about the requirements for compliance with substantive requirements, in particular compliance with the principles, but also documents that must be included.

On the determination of tender requirements follows the sixth chapter, which explains the manner in which the tenderer must comply with the tender conditions, i.e. menu. In addition to the other shall be interpreted to the contracting authority, if these conditions are not met.

Among the most important issues of tender requirements include the possibility of changes in the course of the procurement procedure and during the implementation of public procurement. In this context, the author draws attention at the strict rules laid down by case-law that, in some cases may be excessive in the seventh chapter.

Whereas the determination and assessment of tender requirements are competences of the contracting authority, it is required the existence of protection against unreasonable requirements of contracting authorities. This is the opposition and the (subsequent) control of public authorities, which contains the eighth chapter master theses.

In conclusion, the author finds the opinion that the contract conditions are adjusted appropriately. He only points out the inappropriateness of limiting of contracting authority in

determining tender requirements. According to intended law the author says, it would be appropriated to a change of tender requirements to include directly into the Public Procurement Act.